

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Ashley M. Chenoweth,)	
)	Case No: 1:17-cv-02026
Plaintiff,)	
)	
vs.)	NOTICE OF REMOVAL OF CIVIL
)	ACTION TO UNITED STATES
Revenue Assistance Corporation)	DISTRICT COURT
)	
Defendants.)	
)	
)	

NOW COMES Defendant Revenue Assistance Corporation dba Revenue Group (identified as Revenue Assistance Corporation in Plaintiff's complaint in Cuyahoga Court of Common Pleas case number CV-17-885107) (hereinafter, "Revenue Group"), by and through its undersigned counsel, pursuant to 28 U.S.C. §§1331, 1334, 1367, 1441, 1446, and 1452, to remove this action from the Cuyahoga Court of Common Pleas, Cuyahoga County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division. In support of this Notice of Removal, Defendant respectfully submits to this Honorable Court:

1. The Complaint in Ashley M. Chenoweth v. Revenue Assistance Corporation, Case No. CV-17-885107 was filed in the Cuyahoga Court of Common Pleas on August 26, 2017 ("State Court Action"). A true and accurate copy of the State Court Action docket is attached as Exhibit A.

2. On August 28, 2017, the Clerk of Court the of the Cuyahoga County Court of Common Pleas ("Clerk") sent by Federal Express the Summons and Complaint. A true and accurate copy of the Summons and Complaint is attached as Exhibit B.

3. On August 31, 2017 an employee of Revenue Group received and signed for the Federal Express containing the Summons and Complaint.

4. The Complaint filed in the State Court Action alleges violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681n and 15 U.S.C. § 1681n, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692e and 15 U.S.C. § 1692f, and the Ohio Consumer Sales Practices Act, O.R.C. § 1345 *et seq.* According to that Complaint, each of the purported violations is related to debts allegedly discharged in a Chapter 7 bankruptcy captioned *In re Ryan L. Chenoweth & Ashley M. Chenoweth* filed in the United States Bankruptcy Court, Northern District of Ohio (Cleveland), Case No: 15-16904. A true and accurate copy of the bankruptcy docket (other than any redactions made for privacy), is attached as Exhibit C.

5. According to Paragraph 2 of the Complaint filed in the State Court Action, “This Court has jurisdiction over this matter pursuant to Oh. Rev. Code § 1345.04, 15 U.S.C. § 1681p, 15 U.S.C. § 1692k(d), and Oh. Rev. Code § 2305.1. Venue in this county is proper because Revenue Assistance Corporation has its principal place of business in this county and the conduct complained of occurred in this county.”

6. Under 28 U.S.C. § 1331, “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

7. Under 28 U.S.C. § 1334(b), “the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.”

8. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

9. Under 28 U.S.C. § 1441(c)(1), an entire action that contain both federal and state law claims can be removed “if the action would be removable without the inclusion of the [state law] claim[s].”

10. Under 28 U.S.C. § 1367, “the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. “

11. Under 28 U.S.C. § 1452(a), “[a] party may remove any claim or cause of action in a civil action ... to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.”

12. Removal to federal district court is proper within 30 days after a defendant receives a “copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based....” 28 U.S.C. §1446(b)(1).

13. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. §§1331, 1334, 1441(a) and (c)(1), 1452(a) and 1446(b)(1).

14. Pursuant to 28 U.S.C. §1391, venue is proper in the United States District Court for the Northern District of Ohio, insofar as Plaintiff initially filed the State Court Action in the Cuyahoga County Court of Common Pleas in Cleveland, Ohio.

15. In accordance with 28 U.S.C. § 1446(d), Revenue Group promptly will send a copy of this notice by U.S. Mail to Matthew Aldin, counsel of record for Plaintiff. In addition, Revenue Group promptly will file a copy of this Notice of Removal with the Clerk of the Cuyahoga County Court of Common Pleas. A copy of the Notice of Filing Notice of Removal to be filed with the Cuyahoga County Court of Common Pleas is attached hereto as Exhibit D.

16. A Civil Cover sheet and separately signed Corporate Disclosure Statement are also being filed, as required by Local Civ. R. 3.13 and Fed. R. Civ. P. 7.1, respectively.

WHEREFORE, Revenue Group hereby gives notice of its removal of this civil action from the Cuyahoga County Court of Common Pleas, Cleveland, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division.

/s/ Brian M. Dodez
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*Attorney for Revenue Assistance
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PROOF OF SERVICE

I hereby certify that on September 26, 2017, a copy of the foregoing was sent via ordinary U.S. Mail, postage prepaid to the following:

Matthew L. Alden
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Attorney for Plaintiff

/s/ Brian M. Dodez
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